

<b>CHRISTOPHER BEASON,</b>	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 13-247E</b>
	)	
<b>v.</b>	)	
	)	
<b>S.C.I. MAHANOY,</b>	)	<b>Magistrate Judge Baxter</b>
<b>Defendant.</b>	)	

30 The Third Circuit has set out a six-factor balancing test to guide a court in determining  
31 whether dismissal of a case is appropriate. Poulis v. State Farm Fire & Casualty Co., 747 F.2d  
32 863 (3d Cir. 1984). The court must consider: 1) the extent of the party's personal responsibility;  
33 2) the prejudice to the adversary caused by the failure to meet scheduling orders and respond to  
34 discovery; 3) a history of dilatoriness; 4) whether the conduct of the party or attorney was willful  
35 or in bad faith; 5) the effectiveness of sanctions other than dismissal, which entails an analysis of  
36 alternative sanctions; and 6) the meritoriousness of the claim or defense. Id. at 868. Not all of  
37 the six factors need to weigh in favor of dismissal before dismissal is warranted. Hicks v.  
38 Feeney, 850 F.2d 152 (3d Cir. 1988).

39 Applying the Poulis factors to the present matter, this Court recommends the dismissal of  
40 this matter. Since the filing of this matter, Plaintiff has taken none of the necessary first steps to  
41 prosecute this case. This case is almost two months old, yet Plaintiff has not taken the initial  
42 steps in paying the required filing fee. Without Plaintiff's payment of the filing fee or in forma  
43 pauperis status, this case cannot proceed. Plaintiff is proceeding *pro se* and therefore bears all of  
44 the responsibility for any failure in the prosecution of his claims. Alternative sanctions, such as  
45 monetary penalties, are inappropriate with indigent parties. Although it is possible that  
46 Plaintiff's allegations could state a claim upon which relief could be ultimately be granted, the  
47 merits of the claim are impossible to determine at this early stage of the proceedings.  
48 Accordingly, this case should be dismissed due to Plaintiff's failure to prosecute.

### 50 **III. CONCLUSION**

51 For the foregoing reasons, it is recommended that the instant action be dismissed due to  
52 Plaintiff's failure to prosecute. The Clerk of Courts should be directed to close this case.

53 In accordance with 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72, the parties must seek  
54 review by the district court by filing Objections to the Report and Recommendation within  
55 fourteen (14) days of the filing of this Report and Recommendation. Failure to file timely  
56 objections may constitute a waiver of appellate rights. See Brightwell v. Lehman, 637 F.3d 187,  
57 194 n.7 (3d Cir. 2011); Nara v. Frank, 488 F.3d 187 (3d Cir. 2007).

58  
59 /s/ Susan Paradise Baxter  
60 SUSAN PARADISE BAXTER  
61 United States Magistrate Judge  
62  
63  
64

65 Dated: October 9, 2013  
66  
67  
68  
69  
70  
71  
72